

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF PENNSYLVANIA

BESSEMER SYSTEM FEDERAL CREDIT)
UNION,)

Plaintiff,)

vs.)

Case No. 2:19-cv-00624-RJC

FISERV SOLUTIONS, LLC, FISERV)
SOLUTIONS, INC., and FISERV, INC.,)

Defendants.)

DEFENDANTS' MOTION TO COMPEL DISCOVERY
RELATING TO PLAINTIFF'S SECURITY REVIEW

Defendants Fiserv Solutions, LLC (f/k/a Fiserv Solutions, Inc.) and Fiserv, Inc. (together, "Defendants"), by and through their attorneys, respectfully move this Court pursuant to the Fed. R. Civ. P. 37(a)(3) for an order compelling the Plaintiff to respond to interrogatories and requests for production originally served on November 9, 2020 regarding Bessemer's cyberattack on Fiserv Solutions' online banking platform. Defendants also move for recovery of their reasonable attorneys' fees and costs incurred in bringing this Motion pursuant to Fed. R. Civ. P. 37(a)(5)(A).

The grounds for this Motion are fully set forth in Defendants' accompanying Memorandum of Law in Support of Motion to Compel Discovery Relating to Plaintiff's Security Review and the Declaration of Jesse L. Byam-Katzman in Support of Defendants' Motion.

Dated: December 15, 2021

/s/ Jesse L. Byam-Katzman

Efrem M. Grail (PA ID No. 81570)

Brian C. Bevan (PA ID No. 307488)

THE GRAIL LAW FIRM

Koppers Building, 30th Floor

436 Seventh Avenue

Pittsburgh, PA 15219

egrail@graillaw.com
bbevan@graillaw.com
(412) 227-2969

Andrew J. Wronski (*admitted pro hac vice*)
Jesse L. Byam-Katzman (*admitted pro hac vice*)

FOLEY & LARDNER LLP

777 East Wisconsin Avenue

Milwaukee, WI 53202

awronski@foley.com

jbyam-katzman@foley.com

(414) 271-2400

*Counsel for Fiserv Solutions, LLC and Fiserv,
Inc.*

CERTIFICATE OF CONFERENCE

Pursuant to Federal Rule of Civil Procedure 37(a)(1), I hereby certify that on October 21, 2021, and December 2, 2021, counsel for Defendants conferred with counsel for Plaintiff in a good faith effort to resolve the issues raised by this Motion. The parties were unable to resolve the issues raised in this Motion because Plaintiff objects to the relief sought in this Motion.

/s/ Jesse L. Byam-Katzman

Jesse L. Byam-Katzman

Counsel for Fiserv Solutions, LLC and Fiserv, Inc.

CERTIFICATE OF SERVICE

I hereby certify that on December 15, 2021, I caused a copy of the foregoing motion to be filed electronically and available for downloading and viewing from the Court's ECF system. Notice of this filing will be sent by email to all parties by operation of the Court's ECF system.

/s/ Jesse L. Byam-Katzman

Jesse L. Byam-Katzman

Counsel for Fiserv Solutions, LLC and Fiserv, Inc.